From: KISHIDA Koto
To: Henning, Alan
Subject: Information re: Biennial Reviews
Date: Tuesday, March 03, 2015 1:44:11 PM
Attachments: MidCoastAWQMDEQ.pdf
Hood1010biennial03Com.pdf

Alan

I am sending along some information. Please let me know which sets of documents you are hoping to review. I will try to work with ODA to provide the information to you.

- DEQ comments on Mid Coast plan with ODA responses (2013)
  Attached
- DEQ comments on Hood plan (2004)
  Attached
- AgWQM Biennial Review report (2012) – I believe they are providing same information in a different format now
  http://www.oregon.gov/oda/shared/Documents/Publications/NaturalResources/CoosCoquilleAWQMProgramReport.pdf
- AgWQM Progress report (2013) – These reports are sent to Board of Agriculture and current ones are found on ODA's website in the area map
  http://www.oregon.gov/oda/shared/Documents/Publications/NaturalResources/MidCoastAWQMBiennialReview.pdf
- 2013 Ag land use in annual report, page 53 – (we have them posted on our websites)
  http://www.deq.state.or.us/wq/nonpoint/docs/annualrpts/NonpointAnnual2013.pdf

FYI –

- Information on focus areas (2014)
  http://www.oregon.gov/ODA/shared/Documents/Publications/NaturalResources/WaterFocus4.pdf
- Information on strategic implementation areas (2014)
  http://www.oregon.gov/ODA/shared/Documents/Publications/NaturalResources/SIA4.pdf

Please let me know if you have questions.

Koto

State of Oregon
Department of Environmental Quality Memorandum

To: Ellen Hammond
Anne Saxby

Date: January 28, 2003

From: Bonnie Lamb

Subject: Review of the Hood River Agricultural Water Quality Area Plan

The following are some general comments and/or considerations that DEQ would like to put on the table for the review of the Hood River Agricultural Water Quality Area Plan (Area Plan). Dick, Ellen and I discussed most of these comments at a meeting we had this morning.

(1) In the discussion of effects of different water quality parameters on fish on page 10, it seems like it would be worth including a discussion of the potential impacts of pesticides on aquatic life since guthion and chlorpyrifos have now been added to the 303(d) list for several Hood River streams. I could perhaps get you some information on this from Gene Foster if you want.

(2) We have a new 303(d) list (2002). It was supposed to have already gone to EPA, but I think it is still "draft". In any event, I suspect it will be in finalized before you go public with the public review process for this review of your Area Plan. New 303(d) issues for the Western Hood Subbasin include:
- new listings for chlorpyrifos (Indian Creek, Lenz Creek and Neal Creek)
- new listings for guthion (Neal Creek)
- new listings for iron (Neal Creek)
- new listings for zinc (Lenz Creek, Mitchell Creek)

The chlorpyrifos and guthion issues you are already aware of. In Table 20 (table dealing with toxics standards) the iron standard is listed for protection of human health from water and fish ingestion. The zinc standard is listed for protection of aquatic life. I'm not sure how either of these are related to agricultural activities so I would suggest you probably don't need to address them at this point, save to say that they will be addressed by you once there is a TMDL in place for these parameters.

(3) Temperature was also "removed" from the 2002 list because the TMDL has been approved. It is still an issue that needs to be addressed in management plans, however, so I would leave in some language about it. Spawning and rearing designations have also now been completed for the Hood River Watershed.

(4) The pH listing of Hood River below Powerdale was removed from the list because recent data collection did not find any pH violations. I guess this still doesn't mean that there aren't concerns about pH, but the flow and sediment concentrations (and their resultant affects on light and water temperature in the Hood River) were such in the past few years that we didn't see exceedances of the pH criterion.

(5) On page 12 you discuss data that was collected by DEQ in 1998 that indicated possible concerns about bacteria and nutrients in certain places in the subbasin. The Watershed Council has also collected additional data from Neal Creek, Lenz Creek and Baldwin Creek since then showing similar concerns (check with Holly to be sure). Do you want to refer to this data in your summery of "parameters of concern" also?

(6) Question of how to comply with the TMDL…. Water quality management plans for TMDL implementation are supposed to address the 10 items listed on the attached page. Some of these items have already been addressed in the Area Plan, and some need further clarification. Some of the items needing clarification are discussed below.

(7) *Proposed management measures tied to attainment of load allocations and established surrogates*…. The loading capacity of the Hood River system is allocated completely to natural sources. For nonpoint sources (including agriculture), the TMDL targets achieving system potential shade conditions (surrogate measure) as the means for complying with the TMDL. Six system potential vegetation zones were described for the Western Hood Subbasin (see attached map) and system potential effective shade curves were developed for each of these zones (see attached graphs). Dick, Ellen and I discussed whether there was some way to tie the **streamside vegetation Rule** to achieving potential vegetation shade. Perhaps something about requiring a movement towards system potential shade, without specifying exactly what degree of shade that meant in the rule. But then providing guidance in the Management Measures section (such as the graphs mentioned above) as to what the system potential shade was for different channel widths. Open for further discussion and input by the committee as to what would be a good way to approach this…

(8) *Timeline for implementation and attainment*…. Developing a timeline for implementation will probably be easier to do than developing a timeline for attainment. Nichols, Ellen and I discussed this some – may be some way of estimating time it would take to develop system potential shade based on the type of vegetation expected?

(9) *Monitoring and Evaluation*… This section needs further detail. In the old Area Plan, you specify that ODA and the SWCD will identify monitoring needed to implement the Area Plan prior to the next review. It doesn't sound like this has been done yet. Under Area Plan Progress it also states that the monitoring methods for tracking progress will be identified prior to the next Area Plan review. Dick, Ellen and I discussed what should be monitored, how it should be monitored and with what frequency. We talked about doing random sampling as one possibility. We did not come up with any conclusions – still open for discussion with comittee.

5.8.2 Nonpoint Sources

Responsible participants for implementing DMA specific water quality management plans for urban and rural sources were identified in **Section 5.5** of this Water Quality Management Plan. Upon approval of the Western Hood Subbasin TMDL, it is ODEQ's expectation that identified, responsible participants will develop, submit to ODEQ, and implement individual water quality management plans that will achieve the load allocations established by the TMDLs. These activities will be accomplished by the responsible participants in accordance with the Schedule in **Section 5.7** of this Water Quality Management Plan. The DMA specific water quality management plans must address the following items:

1) Proposed management measures tied to attainment of the load allocations and/or established surrogates of the TMDLs, such as vegetative system potential for example.
2) Timeline for implementation.
3) Timeline for attainment of load allocations.
4) Identification of responsible participants demonstrating who is responsible for implementing the various measures.
5) Reasonable assurance of implementation.
6) Monitoring and evaluation, including identification of participants responsible for implementation of monitoring, and a plan and schedule for revision of implementation plan.
7) Public involvement.
8) Maintenance effort over time.
9) Discussion of cost and funding.
10) Citation of legal authority under which the implementation will be conducted.

Should any responsible participant fail to comply with their obligations under this WQMP, ODEQ will take all necessary action to seek compliance. Such action will first include negotiation, but could evolve to issuance of Department or Commission Orders and other enforcement mechanisms.

Figure 27. Potential Vegetation Zones, Western Hood Subbasin

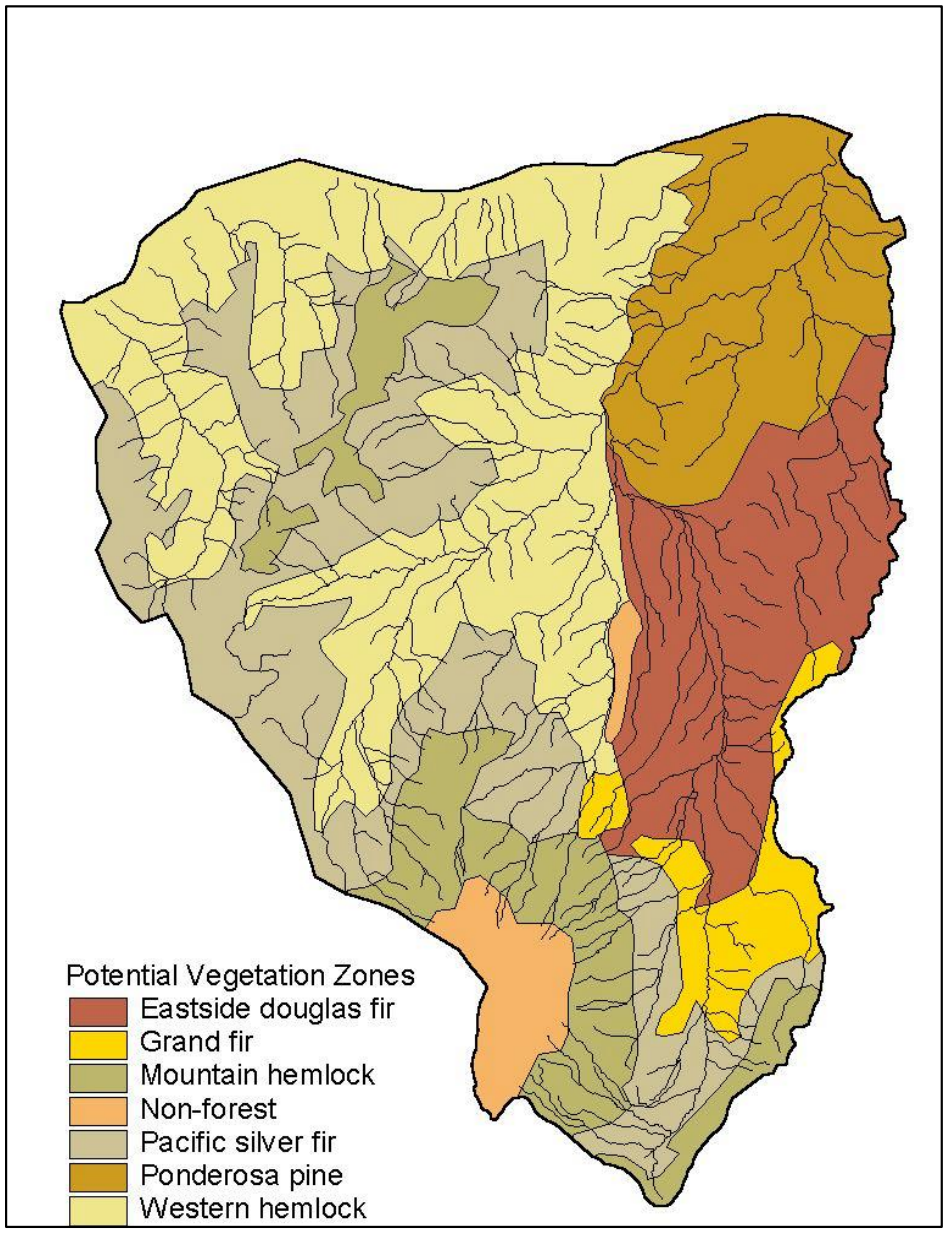


Table 8. Potential Vegetation Zones in the Western Hood Subbasin

(Data gathered from Mt. Hood National Forest Plant Association Guides, personal communications with Larry Hoffman & Doug Thiesies [ODF] and Bruce Holmson [Mt. Hood National Forest], and the Hood River Watershed Assessment [1999])

Vegetation Zone	Historic Condition Notes	Potential Overstory Near Stream Vegetation Characteristics		
		Vegetation	Height (feet)	Assumed Canopy Density
Ponderosa Pine		**50 feet closest to stream**		
		Red Alder	55	
		Cottonwood	100	
		Oregon White Oak	70	
		Bigleaf Maple	65	
		Ponderosa Pine	130	
		Douglas Fir	150	
		Grand Fir	140	
		Western Red Cedar	140	
		Composite Dimension *(50% hardwoods/50% conifers)*	**106 feet**	**85%**
	Pine-oak forests probably dominated. Today rural residential development, orchards, pastureland, and some urbanization are common.	**Greater than 50 feet from stream**		
		Oregon White Oak	70	
		Bigleaf Maple	65	
		Ponderosa Pine	130	
		Douglas Fir	150	
	Lower elevation, dryer sites	***Composite Dimension*** *(75% conifer/25% hardwoods)*	**122 feet**	**70%**
Eastside Douglas Fir		**50 feet closest to stream**		
		Red Alder	55	
		Cottonwood	100	
		Oregon White Oak	70	
		Bigleaf Maple	65	
		Ponderosa Pine	130	
		Douglas Fir	150	
		Grand Fir	140	
		Western Red Cedar	130	
		Composite Dimension *(50% hardwoods/50% conifers)*	**105 feet**	**85%**
		Greater than 50 feet from stream		
		Oregon White Oak	70	
		Bigleaf Maple	65	
		Ponderosa Pine (10%)	130	
		Douglas Fir (75%)	150	
		Grand Fir (15%)	140	
	Lower elevation, dryer sites	***Composite Dimension*** *(75% conifer/25% hardwoods)*	**127 feet**	**80%**

Table 8. Potential Vegetation Zones in the Western Hood Subbasin (continued)

	Potential Overstory Near Stream Vegetation Characteristics			
	Historic Condition	**Vegetation**	**Height**	**Assumed Canopy Density**
Western Hemlock	In the lower valley the landscape was a mixture of vegetation types. Oak patches would have been common along with conifers, maples, alder and wetland meadows. Today rural residential development, orchards, pastureland, and some urbanization are common. Lower elevation, wetter sites.	**50 feet closest to stream** Red Alder Cottonwood Bigleaf Maple Western Hemlock Douglas Fir Western Red Cedar Noble Fir Grand Fir ***Composite Dimension*** *(50% hardwoods/50% conifers)*	 80 100 70 190 190 150 170 140 **126 feet**	 **85%**
		Greater than 50 feet from stream Bigleaf Maple Western Hemlock Douglas Fir Grand Fir Western Red Cedar Noble Fir ***Composite Dimension*** *(90% conifer/10% hardwoods)*	 70 150 190 140 150 170 **151 feet**	 **80%**
Grand Fir	Higher elevation, dryer sites	**30 feet closest to stream** Cottonwood Bigleaf maple Grand Fir Douglas Fir Ponderosa Pine Western Red Cedar ***Composite Dimension*** *(50% hardwoods/50% conifers)*	 100 70 140 170 130 130 **114 feet**	 **85%**
		Greater than 30 feet from stream Bigleaf Maple Grand Fir Douglas Fir Ponderosa Pine ***Composite Dimension*** *(90% conifer/10% hardwoods)*	 70 150 170 130 **142 feet**	 **80%**
Pacific Silver Fir	3000-5000 feet in elevation, varied precipitation	Pacific Silver Fir Western Hemlock Douglas Fir Western Red Cedar Noble Fir Western White Pine Englemann Spruce ***Composite Dimension***	170 170 180 160 180 150 110 **160 feet**	 **80%**
Mountain Hemlock	Cold, upper-elevation sites with deep snowpacks and short growing season. Susceptible to large, high intensity fires (lightning).	Pacific Silver Fir Mountain Hemlock Subalpine Fir Lodgepole Pine Western White Pine ***Composite Dimension***	130 140 120 110 140 **128 feet**	 **80%**

Figure 48. Effective Shade Curve – Ponderosa Pine Potential Vegetation Zone

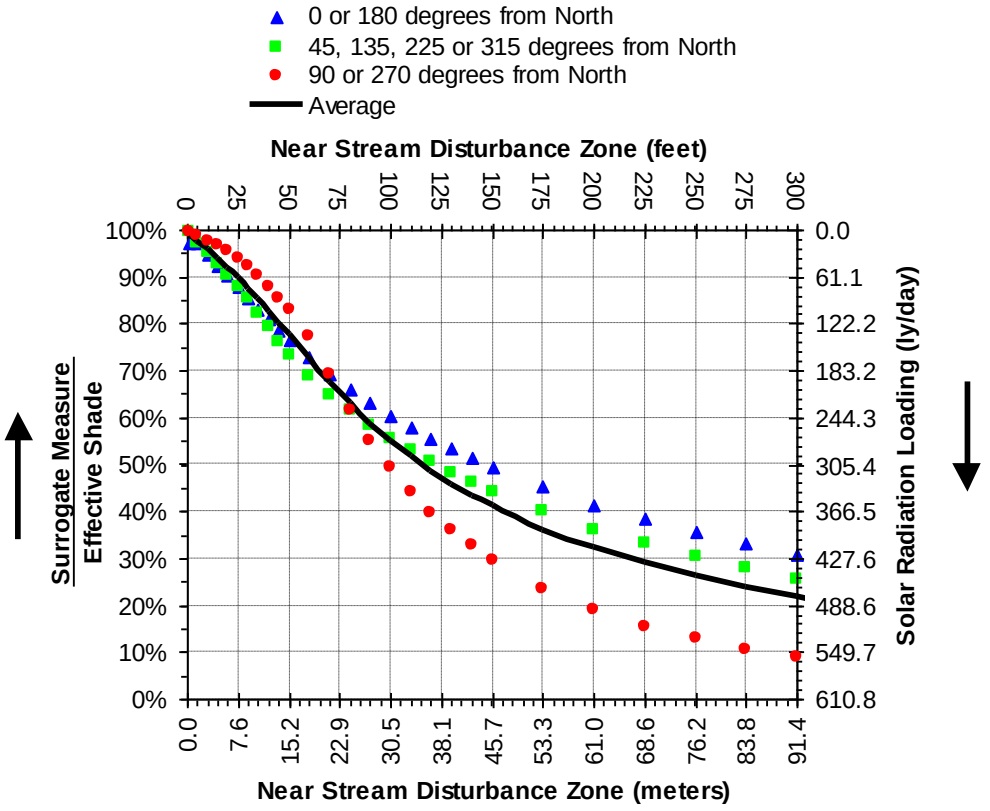


Figure 49. Effective Shade Curve – Eastside Douglas Fir Potential Vegetation Zone

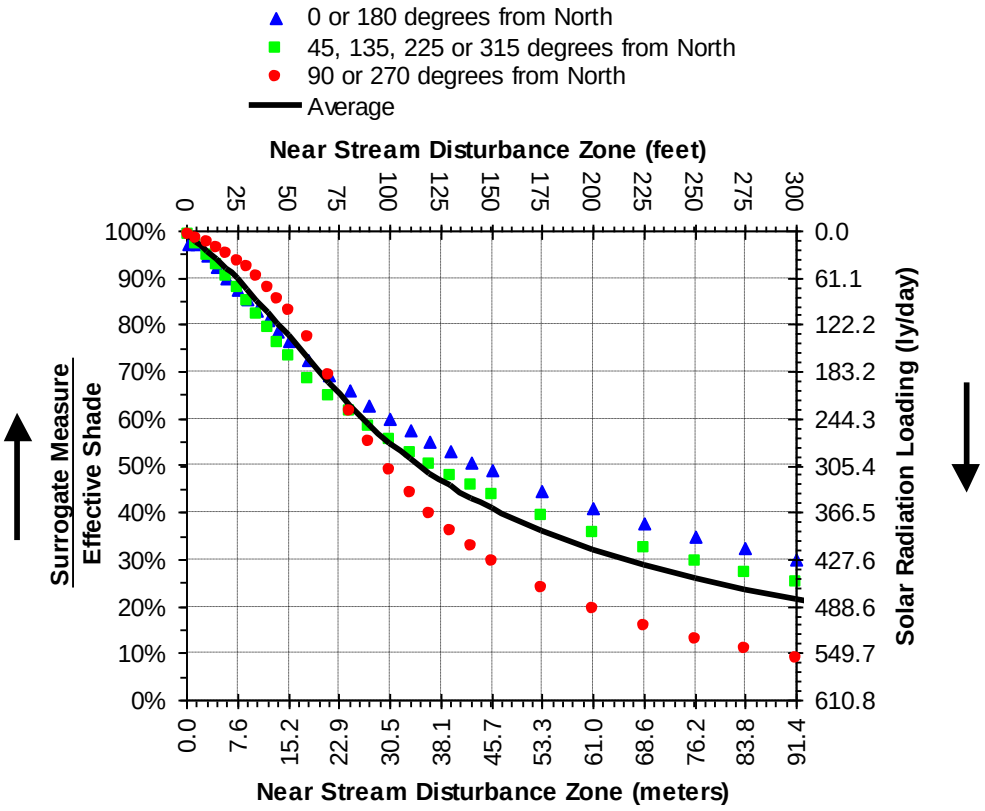


Figure 50. Effective Shade Curve – Western Hemlock Potential Vegetation Zone

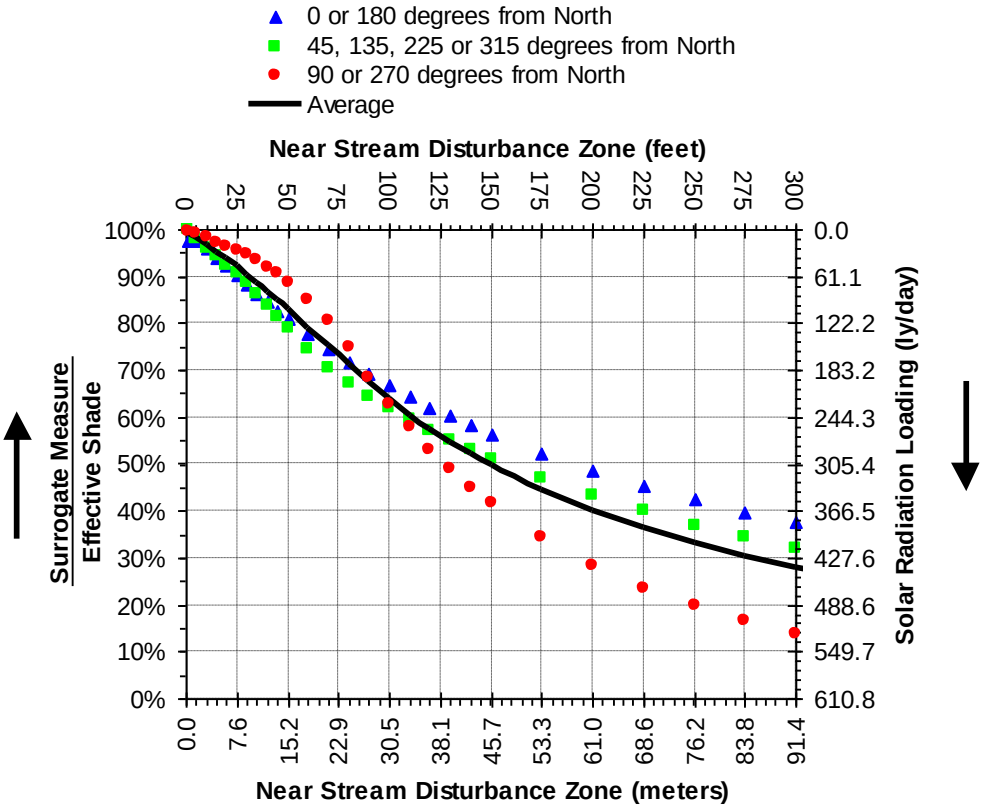


Figure 51. Effective Shade Curve – Grand Fir Potential Vegetation Zone

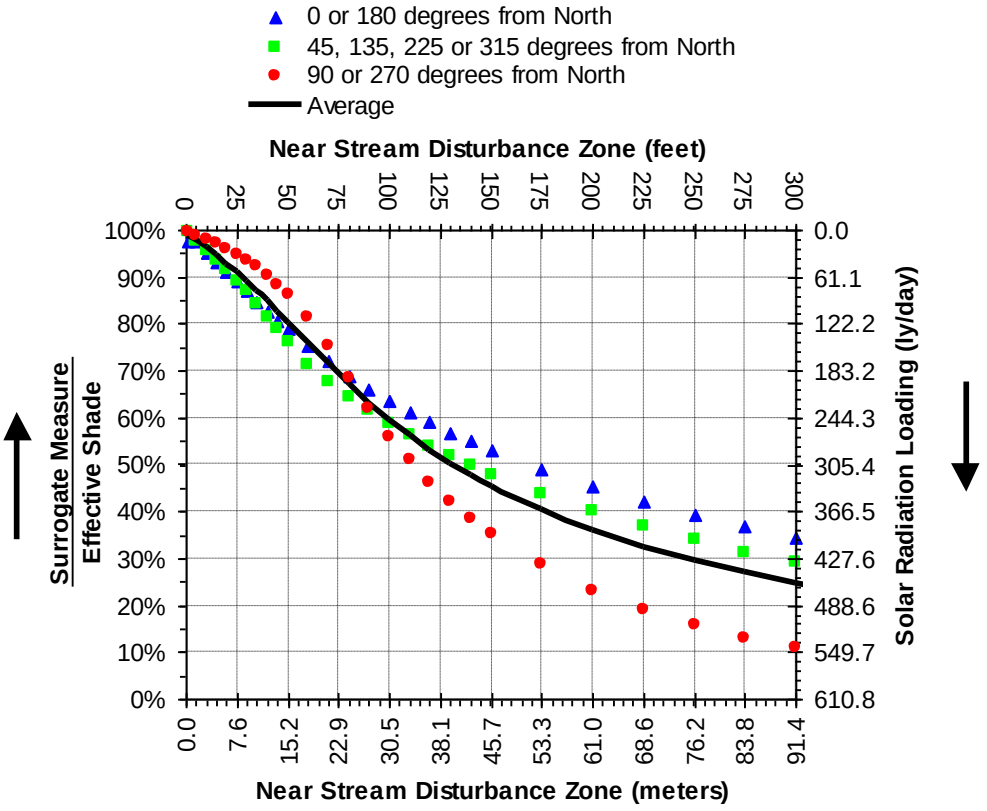


Figure 52. Effective Shade Curve – Pacific Silver Fir Potential Vegetation Zone

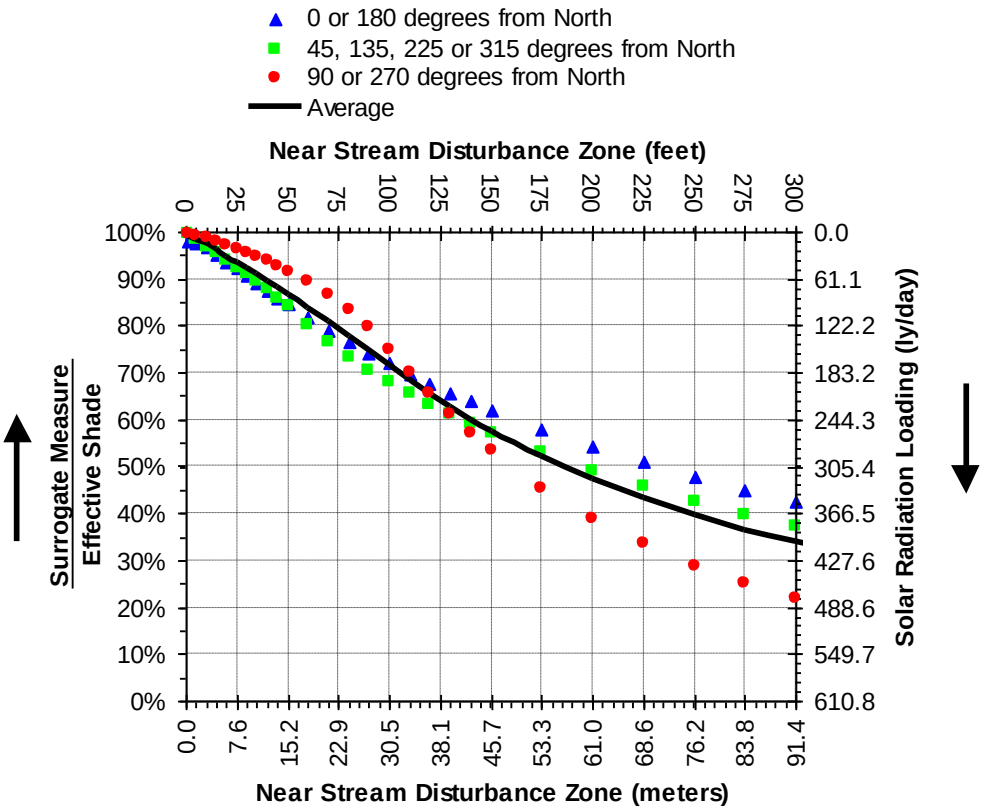
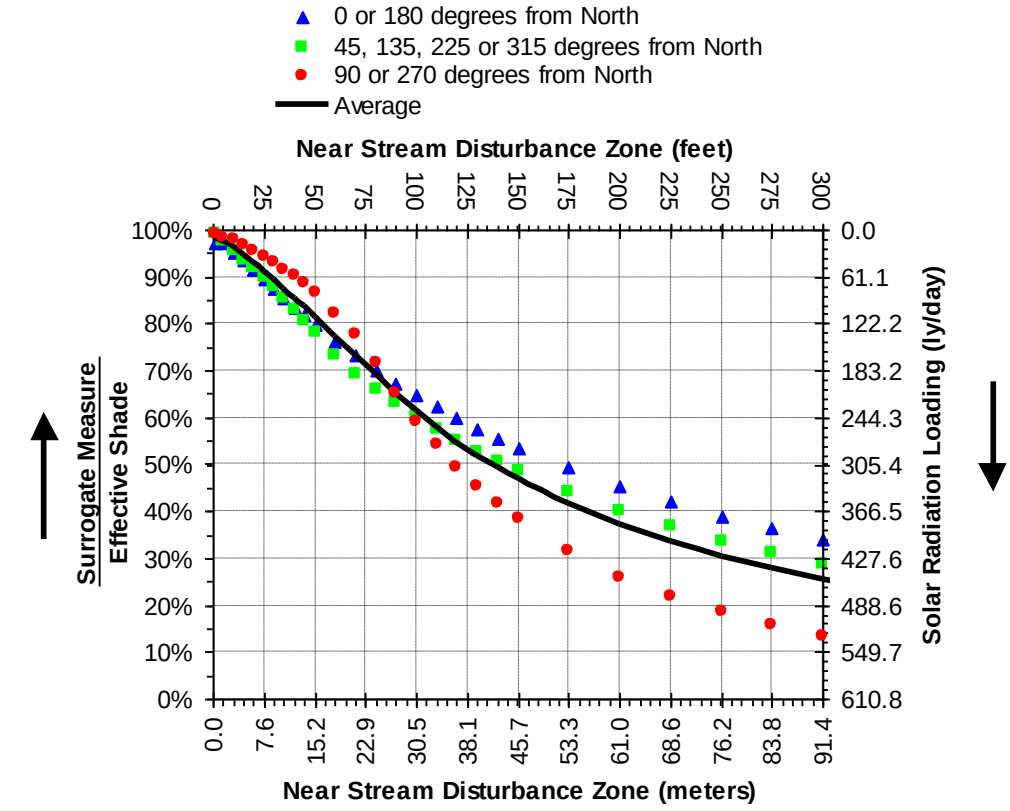


Figure 53. Effective Shade Curve – Mountain Hemlock Potential Vegetation Zone



Mid-Coast Basin AgWQMgt Plan - Biennial Review Comments From DEQ (David Waltz, February 11, 2013) with draft ODA response:

"The State Department of Agriculture and the State Board of Agriculture shall consult with the Department of Environmental Quality or the Environmental Quality Commission in the adoption and review of water quality management plans and in the adoption of rules to implement the plans." ORS 568.930(2)

I. Area Plan Content

A. Issue identification

1. Does the Area Plan include all water quality limited water bodies, including 303(d) listed and with approved TMDLs?

   DEQ COMMENT: Section 2.4 (Water Quality) and appendix B have been updated to reflect the 2010 Integrated Report and EPA's additions to Oregon's 303(d) list.

   ODA RESPONSE: (No; major revisions have occurred since the Plan was completed, including the 2010 Integrated Report and EPA's additions to Oregon's 303(d) list (finalized Dec, 2012). DEQ will coordinate with ODA to ensure that a complete list of Impaired waterbodies have been identified and provided to the LAC.

2. Does the Area Plan adequately reflect current TMDL status?

   DEQ COMMENT: A summary of the current TMDL process was added to the Plan Evaluation and Modification section of the Area Plan. The AgWQ Plan is intended to meet water quality standards and protect beneficial uses (the same as what the TMDL will do). Until the TMDL is developed, the plan will address the 303(d) list and continue to work with landowners to meet the water quality standards and comply with the AgWQ Rules.

   ODA RESPONSE: No, TMDLs are under development for Temperature, Biocriteria, Sediment and Bacteria

3. Does the Area Plan sufficiently present the TMDL load allocation that it is intended to address?

   DEQ COMMENT: Ok. No change necessary at this time.

   ODA RESPONSE: Load allocations have not been developed or finalized for the MidCoast Basin, so there are none to address at this time.

4. Does the Area Plan adequately include items from applicable Groundwater Management Area Action Plans?

   Not applicable.

5. Does the Area Plan present the requirements of Coastal Zone Management Act applicable to agriculture?

   DEQ COMMENT: Mainly addressed through Appendix E. A description of CZARA and the Oregon CNPCP was added to the Water Quality section of the Area Plan. Also, the approved CZARA management measures were included in the Prevention and Control Measures section of the Area Plan. The available management measures were aligned with the approved CZARA management measures.

   ODA RESPONSE: In a cursory manner, but lacks any details relevant to understanding the relationship of the Area Plan to CZARA/Oregon CNPCP.

6. Does the Area Plan include sufficient items from the State of Oregon; Pesticide Management Plan for Water Quality Protection?

   DEQ COMMENT: Under section 4.5, information on Oregon's Pesticide Management Resources including: Oregon's Pesticide Regulatory Authority, the State Pesticide Management Plan, the Water Quality Pesticide Management Team, and Pesticide Stewardship Partnerships was added. ODA's Pesticide Program currently deals with issues related to pesticide application, which is separate from the Water Quality Program. The Water Quality and Pesticide programs have been proactively trying to coordinate efforts to protect water quality from the misuse of pesticides under the CWA and FIFRA (Federal, Insecticide, Fungicide, Rodenticide Act).

   ODA RESPONSE: No. The Area Plan does not adequately reflect how ODA will address pesticide detections identified during the State's toxics monitoring of surface water and groundwater (including drinking water sources), nor does it adequately address the water quality threat of non-TMDL contaminants and contaminants for which there are no standards, but which still can cause harm to aquatic life, wildlife and/or humans. Due to increasing public concern over aerial applications of pesticides, the Area Plan should address ODA's role in reducing impacts and/or responding to public concerns. The Area Plan should also identify important actions such as the School Integrated Pest management (IPM) program being implemented by OSU Extension and how ODA and the LAC can support this effort.

7. Does the Area Plan sufficiently address the needs in drinking water source areas related to agricultural pollution sources within the geographic area of the plan?

   DEQ COMMENT: ODA will work with DEQ to identify Drinking Water Source Protection Areas and include a map of these in the Area Plan.

   ODA RESPONSE: DEQ recommends that the Plan clearly identify the locations of DWSAs in the Basin (using a map-see attached example)

B. Goals and Objectives:
   1. Do the goals and objectives of the Area Plan clearly state that the purpose of the Area Plan is to prevent and control water pollution and to meet water quality standards?

      DEQ COMMENT: The last bullet under section 3.3 goals, states, "To maintain and improve water quality in agricultural areas, meet state water quality standards, and protect applicable beneficial uses." Information on beneficial uses was also added to the water quality section.

      ODA RESPONSE: Yes, although it fails to mention protection of beneficial uses, which are a part of the standards that is often overlooked.

   2. Does the Area Plan include clear and measurable objectives that are designed to meet water quality standards and TMDL load allocations?

      DEQ COMMENT: Under section 3.3 goals, the first five bullet points were added to include more clear and measurable goals. In addition, measurable goals were added for the focus areas that the SWCDs will be working in. Assessment methodologies are being developed for Strategic Implementation and Focus areas. Once developed, the methodologies may be included in Area Plans.

      ODA RESPONSE: No, the Plan objectives are indefinite and difficult to measure. Future Plan revisions should associate performance standards with a more precise qualitative or quantitative description and how would it be measured. We recommend that the Plan set criteria for how land condition measures will be identified and how baseline and post-implementation conditions will be compared and reported.

C. Strategies to Meet Water Quality Goals and Track Progress
   1. Are geographic and/or water quality issue priorities listed in the Area Plan consistent with TMDL and GWMA priorities?

      DEQ COMMENT: Although the TMDL for the Mid Coast has not been completed and the GWMA does not apply, ODA has been working with the SWCDs to identify high priority areas to work in and the SWCDs will be working in Focus Areas starting in July 2013. In addition, streamside vegetation condition will be analyzed by January 2014 using LiDAR data to understand the current vegetative conditions and prioritize needs for restoration in riparian areas. If the Implementation Ready TMDL process identifies geographic priorities for bacteria and sediment, the LAC and ODA will consider these.

      ODA RESPONSE: No geographic and/or specific water quality issue priorities are listed in the Area Plan.

2. Are geographic scales and implementation actions identified in the Area Plan appropriate to track implementation, progress, and effectiveness?

   DEQ COMMENT: Section 3.5, Targets includes a new section on, "focused work in small geographic areas." Section 2.5 (new) discusses Focus Areas as an Area Plan implementation strategy. ODA will continue to work with DEQ, SWCDs, and other partners to refine geographic scales for implementation to track implementation, progress, and effectiveness.

   ODA RESPONSE: The implementation actions in the current Plan are not linked to specific geographic areas or scales (watershed, subbasin, etc.), but rather exist on a landowner-by-landowner basis. Consequently, it is not possible to effectively track implementation or progress towards improving conditions in any specific geographic area. We understand ODA is incorporating revisions: to "Identify, and focus outreach and technical assistance work in, a small geographic area to implement the area plan in a more measurable way."

3. If applicable, is the Watershed Approach Action Plan addressed?

   N/A

4. Does the Area Plan provide sound evidence or reasons why implementation actions could lead to pollution reduction?

   DEQ COMMENT: ODA plans to assess agricultural lands at the 6th field watershed level. ODA is working on an assessment methodology that can be used for Strategic Implementation and Focus Areas. Utilizing information from landscape conditions and water quality data from both Strategic and Focus areas will assist ODA in assessing the percentage of agricultural lands in compliance with the Area Rules. Section 2.3 (new), explains the individual landowner and agriculture's collective responsibility to protect water quality. Landowners don't have the same understanding of BMPs, they see BMPs as what was done during the season when they last earned money. Additional information could be added to the plan to encourage proactive implementation of management practices to improve water quality.

   ODA RESPONSE: No, the Plan is not focused on implementation actions (e.g., BMPs), although the education plan section identifies many valuable activities that, when conducted, may be helping to reduce nonpoint pollution loads that are not being tracked. DEQ recommends that ODA assess the percentage of agricultural lands that are currently meeting Area Rules to prioritize Plan implementation and also track progress. We also recommend that the Plan place more emphasis on the important and essential contribution that each and every landowner makes toward cumulative reductions in pollutant loads and resulting improvements in watershed health. Implementation measures in the Area Plan are described as "optional" practices. The Area Plan encourages status quo management except in egregious cases,

instead of motivating landowners to strive to adopt improved practices. DEQ encourages the LAC & ODA to use definitive language to promote the adoption of established BMPs. If some of the implementation actions are not consistent with TMDL and other WQ goals, explain why those practices do not contribute toward meeting those WQ goals.

5. Does the Area Plan include timelines, schedules, and measurable milestones that are consistent with the TMDL WQMP?

   N/A

6. Is monitoring adequate to determine whether progress is being made to achieve the goals of the plan? If no, are monitoring needs identified and is there a strategy to meet those needs?

   DEQ COMMENT: ODA is working to develop land condition assessment methodologies. When finalized, these can either be referred to or included in the Area Plan. The Bio-solids application program is a permitted program through DEQ. Information on the jurisdiction of DEQ and ODA related Bio-solids applications and recommendations in agricultural areas were added to the Ara Plan. Also, if Bio-solids are applied in an agricultural setting as a fertilizer and runoff into waters of the state, ORS 468B.025 applies and the amendment is considered an agricultural waste. To address toxic compounds, ODA recommends erosion and sediment control practices.

   ODA RESPONSE: Water quality trend monitoring efforts by local partners are useful and effective in identifying certain conditions on Agricultural lands in the MidCoast. However, monitoring of ag land condition is not addressed in the Plan and has not been widely performed prior to recent. Some local stakeholders expressed concerns that Bio-solids applications have not been adequately monitored by responsible parties (ODA, DEQ, municipalities, landowners). This concern should be addressed (to the extent possible), particularly as it relates to toxic compounds.

II. Implementation/evaluation

A. Are voluntary efforts sufficient to implement the Area Plan or are additional incentives needed to increase the rate of participation?

   DEQ COMMENT: Efforts in the Southern Willamette Valley GWMA are voluntary, and rely on the implementation of the AgWQ Plans and Rules for implementation and the regulatory aspects. The focus groups described are currently being formed. Also, ODA plans to implement the Area Plan using Focus Areas for targeted implementation, and potentially Strategic Implementation Areas after testing in other areas.

   ODA RESPONSE: No; based on the information collected by DEQ and other organizations on the status of water quality in the Basin, voluntary efforts may not be

sufficient. Additional incentives and actions are needed, particularly since the pollutants of concern affect multiple beneficial uses of Basin water resources. Basin partners might consider an effort similar to what is being proposed in the Southern Willamette Valley GWMA, where focus groups with landowners were established to (1) identify barriers to adopting best management practices; and (2) work with local landowners to develop tailored approaches to overcome these barriers. If these efforts do not produce results, additional involvement of ODA may be required.

B. Are milestones and timelines established for Area Plans achieving the goal of the Program?

DEQ COMMENT: ODA is working over time to develop milestones and timelines with the SWCDs at the Focus Area level using an Action Plan with specific deliverables. Milestones and timelines may be established via the IR TMDL process for sediment and bacteria. It may be possible to develop milestones and timelines to address temperature using an assessment of streamside vegetation conditions.

ODA RESPONSE: No. Based on data in certain areas, water quality in the Basin (see II.A. above), nonpoint source pollution has not been adequately addressed, including that originating from, or associated with, agricultural practices.

C. Is reasonable progress being made towards accomplishing milestones and timelines in the Area Plan?

DEQ COMMENT: When milestones and timelines are developed for individual Focus Areas, progress towards implementation will be able to be measured. Timelines and milestones have been established for focus areas that the Lincoln and Siuslaw SWCDs will be working in from July 2013 to June 2015.

ODA RESPONSE: There are no clear milestones and timelines in the Area Plan, so it is not possible to assess progress towards full Plan implementation. However, we recognize that individual landowners and the SWCDs have taken actions to improve land conditions and reduce water quality impacts from agricultural lands and those efforts should be acknowledged.

III. Area Rules

A. Are the prohibited conditions likely to be effective in making reasonable progress towards meeting state water quality goals?

DEQ COMMENT: Related to OAR 603-095-2240 (2)—In section 4.1 of the Area Plan, conditions are described that should provide the water quality functions of shade, streambank stability, and filtration of pollutants as described in rule. This rule is function based.
Other rules are outcome based and the expected outcome is well defined (i.e. agricultural activities are not allowed to pollute waters of the state).

ODA RESPONSE: Yes, but only in a general sense because they are vaguely defined and left open to interpretation. See responses to Comment I. B.2. We recommend that the Area Rules provide clear definitions and criteria to identify what constitutes an unacceptable condition. For example: in OAR 603-095-2240 (2) Near-Stream Management Areas. (Effective January 1, 2005): include a reference to the applicable water quality standard. Provide quantitative definitions in the Area Plan, potentially including a recommended riparian management area size and/or configuration for specific (but common) circumstances in the Basin. Many situations are quite similar, as acknowledged in the Plan (i.e., farming occurs in narrow valleys adjacent to streams)

B. Are additional prohibited conditions or other mandatory control measures needed?

DEQ COMMENT: ORS 468.B025 addresses all potential agricultural sources of sediment including roads. Information on fine sediment from agricultural roads and recommendations could be included in section 4.3. OAR 603-095-2240 (5) Erosion and Sediment Control (b) states: this prevention and control measure applies to farm roads and staging areas, pastures, cropland, and other areas where agricultural activities occur. If the TMDL process identifies something specific to roads, then something may need to be developed.

ODA RESPONSE: Roads: DEQ recommends that roads on agricultural land be explicitly addressed in sufficient detail in the Rules by establishing performance standards and BMPs to achieve them. This objective can be accomplished either through (a) identification of minimum design and construction standards, maintenance and BMPs (e.g., Oregon Forest Practices Act), or (b) alternatively, the Rules should contain a prohibited condition for roads on agricultural lands such as "minimize hydrological connection to waters of the state to the maximum extent practicable" or a similar standard that can be assessed by ODA for compliance. Area Rules are generally inconsistent in treatment of roads around the state.